

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

Cleveland Banquets, LLC, et al.,	:	Case No. 1:08CV2699
	:	
Plaintiffs	:	
	:	
v.	:	Magistrate Judge David S. Perelman
	:	
Cleveland Financial Associates, et al.,	:	<b>MEMORANDUM OPINION</b>
	:	<b>AND ORDER</b>
Defendants	:	

This action when filed was assigned to the late Judge Aldrich, and on January 21, 2009 was transferred to this Court pursuant to 28 U.S.C. §636(c).

On April 28, 2009 this Court entered the following order:

**IT IS HEREBY ORDERED** that this action is stayed pending resolution of the eviction action between these parties pending in Common Pleas Court of Cuyahoga County (and possibly any appeal therefrom); defendant's counsel shall advise this Court when that action concludes, and continuation of the stay will be reconsidered at that time.<sup>1</sup>

This Court has periodically checked with counsel, not having been advised by defense counsel that the state court action had been concluded, and was informed that the eviction action remained unresolved.

It is apparent to this Court that even if the state action was resolved in the very near future this Court could not conclude the action before leaving the bench on October 29, 2010. This being

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<sup>1</sup> At the time the stay order was entered a motion by the defendant to dismiss or for a more definite statement had recently become fully briefed.

so, this Court will withdraw from the action, and return the file to the Clerk of Courts to draw another district judge and magistrate judge.

**IT IS SO ORDERED**

s/DAVID S. PERELMAN  
United States Magistrate Judge

DATE: September 10, 2010